

IDAHO BOARD OF CHIROPRACTIC PHYSICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 8/11/2017

BOARD MEMBERS PRESENT: Mary Jo White, DC - Chair
Kathleen J McKay, DC, RN
Herbert W Oliver, DC
Shannon Gaertner-Ewing, DC

BOARD MEMBERS ABSENT: Charles H Coiner

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Jean Uranga, Board Prosecutor

OTHERS PRESENT: Molly Steckel, Idaho Medical Association
Ann Lawler, Idaho Board of Medicine
Ryan Fitzgerald, Idaho Association of
Chiropractic Physicians (via phone)

The meeting was called to order at 10:00 AM MDT by Mary Jo White, DC.

Dr. White introduced Dr. Gaertner-Ewing as the Board's newest member.

APPROVAL OF MINUTES

Dr. Gaertner-Ewing made a motion to approve the minutes of 6/23/2017. It was seconded by Dr. Oliver. Motion carried.

EXECUTIVE ORDER

Ms. Cory reviewed the Executive Order issued by Acting Governor Little which requires State agencies to submit a report to the Office of the Governor no later than July 1, 2018. The report will assess whether the licensure requirements are necessary and in the public interest while providing recommendations for improvement, modification or elimination. Ms. Cory also updated the Board on the information and process for public comment which has been added to the Board's website. She said Dr. Oliver will continue to work with her on the Executive Order.

LEGISLATIVE REPORT

Mr. Toryanski gave the legislative report. The deadline to submit proposed legislative ideas to the Governor's Office was July 14, 2017 and the deadline to submit proposed law and rule changes to the Governor's Office is August 18, 2017 for the 2018 Legislative Session.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$74,236.00) as of 7/31/2017.

CONTRACT RENEWAL

Ms. Hall reviewed the 2018 contract with the Board. Dr. Oliver made a motion to approve the 2018 contract and authorize the Chair to sign it. It was seconded by Dr. Gaertner-Ewing. Motion carried.

DISCIPLINE

Ms. Uranga presented a Stipulation and Consent Order in case CHI-2017-7. Dr. Gaertner-Ewing made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Dr. Oliver. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

Dr. McKay joined the meeting at 10:45 AM MDT.

Mr. Ellsworth reviewed the history of case CHI-2016-4 and the letter from the respondent. He advised the Board to not respond to the letter considering the ongoing status of the case in court.

OLD BUSINESS

To Do List – The Board reviewed the to do list and discussed the following items.

DISCUSSION: BOARD TRAINING – PEER REVIEW

The Board reviewed the peer review process in light of the new rules. Dr. Oliver is the Peer Review Liaison and will contact Dr. Mayo regarding the new rules and work with him on updating the peer review training manual and discuss an update of the mercy guidelines/standards with him.

SUBCOMMITTEE: DRAFT OF PROPOSED RULES

Ms. Cory reviewed the rulemaking process with the Board and the audience. Mr. Ellsworth reviewed the proposed rules on clinical nutrition certification with the Board. The Board also reviewed the course proposal received from the University of Western States (UWS). Dr. White also received a course proposal

from Dr. Hicks and provided it to the Board. The Board tabled the discussion of the proposed rules for later in the meeting.

Mr. Fitzgerald joined the meeting via phone at 11:55 AM MDT.

DISCUSSION: INFORMED CONSENT

The Board tabled this item for a future meeting.

INACTIVE RETIRED FEE / NOTICE TO LICENSEES

The Board reviewed the letter to be sent to current inactive retired licensees. Dr. Gaertner-Ewing made a motion to have the Bureau send the letter to the three licensees who are affected. It was seconded by Dr. Oliver. Motion carried.

SPECIAL PURPOSES EXAM FOR CHIROPRACTORS (SPEC) FOR ENDORSEMENT

The Board reviewed the requirement of the SPEC for applicants for licensure by endorsement. The Board will discuss this further at its next face-to-face meeting.

NEW BUSINESS

FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB) DISTRICT MEETING

The Board reviewed the information about the next FCLB District meeting in Portland, Oregon. Dr. Gaertner-Ewing made a motion to have available Board members and staff attend the meeting. It was seconded by Dr. McKay. Motion carried.

REVISED CHIROPRACTOR APPLICATION FORM

The Board reviewed the revised application form. Dr. Gaertner-Ewing made a motion to approve the revisions and have the Bureau publish it to the Board's website. It was seconded by Dr. Oliver. Motion carried.

CORRESPONDENCE

INACTIVE RETIRED REQUEST – The Board reviewed the request from a chiropractor to change the status of licensure from active to inactive retired. Dr. Gaertner-Ewing made a motion to have the Bureau write a letter of denial explaining that the 2017 amendment to the Board's rules eliminated inactive retired status and the associated fee and include the new rules regarding inactive status. It was seconded by Dr. McKay.

OWNERSHIP OF CHIROPRACTIC CLINIC – The Board reviewed the email regarding ownership of a chiropractor clinic by an unlicensed person and the employment of chiropractors in that clinic. Dr. Gaertner-Ewing made a motion to

have the Bureau respond to the inquirer that he should consult his own attorney regarding this matter. It was seconded by Dr. Oliver. Motion carried.

PROVIDERS OF APPROVED CONTINUING EDUCATION (PACE)

PROVIDERS – The Board reviewed the information regarding CE courses through PACE and its providers. Dr. White gave the Board a copy of PACE policies and asked the members to review it prior to the next face-to-face meeting.

COUNCIL ON CHIROPRACTIC EDUCATION (CCE) PUBLIC DISCLOSURE

NOTICE – The Board reviewed the correspondence and no action was taken.

NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) – EVIDENCE-

INFORMED PRACTICE CONFERENCE – The Board reviewed the correspondence and no action was taken.

PROVIDERS OF APPROVED CONTINUING EDUCATION (PACE) – BASIC

MEDICAL FLIGHT PHYSICAL PROGRAM INFORMATION – The Board reviewed the correspondence and no action was taken.

FCLB – PRACTICE OF EXTRACORPOREAL SHOCK WAVE THERAPY – The

Board reviewed the correspondence and requested that the information be included on the agenda for the Board's next face-to-face meeting.

EXECUTIVE SESSION

Dr. Gaertner-Ewing made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Dr. Oliver. The vote was: Dr. White, aye; Dr. McKay, aye; Dr. Oliver, aye; and Dr. Gaertner-Ewing, aye. Motion carried.

Dr. Gaertner-Ewing made a motion to come out of executive session. It was seconded by Dr. Oliver. The vote was: Dr. White, aye; Dr. McKay, aye; Dr. Oliver, aye; and Dr. Gaertner-Ewing, aye. Motion carried.

APPLICATIONS

Dr. McKay made a motion to approve the following for licensure:

DCA-1785 Catherine Cummings

It was seconded by Dr. Gaertner-Ewing. Motion carried.

CE COURSES

The Board reviewed the letter returned from Quantum International University. The Board discussed the approval process for submitted CE courses. Dr. Gaertner-Ewing made a motion to authorize herself and Dr. White to form a subcommittee to review the approval process for continuing education submitted to the Board. It was seconded by Dr. Oliver. Motion carried.

SUBCOMMITTEE: DRAFT OF PROPOSED RULES

The Board returned to the discussion of the proposed rules on clinical nutrition certification. The Board directed Mr. Ellsworth to make changes as discussed and the Board scheduled a conference call for August 18, 2017 at 2:00 PM MDT to continue its work on the proposed rules.

NEXT MEETINGS were scheduled for:

Conference Call: August 18, 2017, 2:00 PM MDT

Face-to-face: November 6, 2017, 9:00 AM MST
February 2, 2018, 9:00 AM MST
April 20, 2018, 9:00 AM MDT

ADJOURNMENT

Dr. Gaertner-Ewing made a motion to adjourn the meeting at 4:23 PM MDT. It was seconded by Dr. Oliver. Motion carried.

Mary Jo White, DC, Chair

Kathleen J McKay, DC

Herbert W Oliver, DC

Charles H Coiner

Shannon Gaertner-Ewing, DC

Tana Cory, Bureau Chief